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SUBJECT: EU, SWITZERLAND AND U.S. TELL COMMUNICATIONS
MINISTER TO STOP HARRASSING THE PRESS

REF: Kinshasa 969 and previous

¶1. (SBU) Summary: Ambassadors of Sweden, Spain, plus local EU Commission head and U.S. DCM, met November 27 with Communications/Media Minister Lambert Mende to press for a halt to Congolese government's (GDRC) harassment of foreign journalists. Led by Swedish ambassador as current EU president, the demarche focused on three areas: (1) subjecting accredited journalists to military regulations; (2) intimidating journalists; and (3) preventing Radio France International from broadcasting in the DRC. An aide-memoire was given to the minister summarizing these points (translation of aide-memoire is at para. 8 below). Minister was uncharacteristically amiable and gave assurances the GDRC fully supports freedom of press, promising (unspecified) measures to address concerns. We suspect that Lambert, an experienced Congolese political survivor, may not be completely sincere, although the Government may in fact let up somewhat on harassing foreign journalists because of pressure from the international community. End summary.

Yet another demarche on media harassment

¶2. (SBU) Swedish ambassador recently invited U.S., Switzerland, and Canada to join EU (reps of outgoing/incoming presidents plus the Commission) in carrying out a demarche vis-a-vis the GDRC's Communications/Media minister over developments that adversely affect freedom of the press. Swedish ambassador agreed he would draft an aide-memoire to be left with the minister. (Note: French ambassador told DCM November 28 that he and his staff drafted the aide-memoire, a translation of which is found at para. 8 below. End note.) The meeting with Mende follows on the heels of several previous meetings with the minister, including U.S. and MONUC demarches (reftel).

¶3. (SBU) Demarche took place November 27 at Minister Lambert Mende's office. Canada was unable to join at the last minute. Giving the impression that he was in an impatient mood, Mende led off with the highly bureaucratic formula: "Je vous ecoute (I am listening)." Swedish ambassador began, noting the "grave concern" of all delegation members regarding the status of press freedom in the Congo. He averred that the Government's campaign against freedom of the press was in violation of the DRC's constitution. He then referred in detail to each of the three areas of greatest worry: (1) military accreditation of journalists; (2) an increase in threats against journalists; and (3) the closure by the DRC officials of Radio France International. Spanish ambassador added that the alleged justification for clamping down on the press as given by Mende -- the war in the Congo's eastern region -- was unjustified as President Kabila in a meeting earlier in the week with several ambassadors, stated that the war was essentially over and life had almost returned to normal in the east. (Note: Cable

on meeting with Kabila will follow septel. End note.).

14. (SBU) EU Commission representative focused mostly on threats and intimidation. Swiss ambassador limited his remarks almost exclusively to threats against and harassment of Radio Okapi, the UN radio network that is funded primarily by Swiss NGO "Fondation Hirondelle." He read from a letter dated November 1 he had received from Radio Hirondelle Director General Jean-Marie Etter in which Etter mentions several alleged threats against Radio Okapi journalists. U.S. DCM stated that the ambassador's absence (the meeting was announced the day before, Thanksgiving, and the ambassador was unable to change his schedule to attend) in no way diminished the importance of our support for the demarche; that the U.S. was supportive of everything said by previous speakers; and that freedom of the press was a sacred principle in the United States, one that could not be violated even in times of war.

Mende replies; conciliatory tone latest tactic

15. (SBU) Mende was ready to respond. Adopting an uncharacteristically conciliatory, even friendly tone, he began by noting that "the many years of struggle by the Congolese people to achieve democracy was also a struggle for freedom of the press." He said he had suffered personally as a result of tyranny, becoming an exile for 10 years to be free; the president was himself a victim of tyranny and had grown up in a neighboring country to escape tyranny. He acknowledged that the constitution's reference to press freedom was inconsistent with the recent order that military tribunals would rule in cases of allegations that journalists had not followed the rules about what they can report; the country was in a war and it

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would take time for the lawmakers to change powers previously given to the military during a time of war. He also argued that although military tribunals were empowered to rule in this kind of case, no journalists had been brought before a court martial and probably none ever would. He accepted the Spanish ambassador's point that President Kabila had said the war was all but over but noted that since the government still did not control many areas and it was in journalists' own interest to avoid certain places.

16. (SBU) Mende continued, asserting that the allegations made by Radio Hirondelle were "news to me." He said he was outraged that journalists were subjected to the treatment described by Etter and wanted more information to conduct investigations into these incidents. He bragged that Congolese radio stations were angry with him because he was such a fan of Radio Okapi, "the only station in the country that I do interviews with." Mende asserted (rather disingenuously to many present) that the GDRC had ordered cell phone providers to make available a list of all cell phone owners so that threats, like those against Radio Okapi journalists, could be traced. (Note: Disingenuously, because it is also clear that some in the GDRC want to obtain names of cell phone owners for other purposes. End note.) Finally, Mende was evasive on the issue of RFI. He stated that this issue was with President Kabila himself and that an RFI office would soon open in Kinshasa, ostensibly to defuse differences between the government and the international media outlet before they cause tension.

17. (SBU) Comment: Many remarked after the meeting that they had never seen this facet of Mende's usually antagonistic, aggressive personality. While Mende offered no specifics on addressing the diplomats' concerns, the minister's tone of voice and out of character conciliatory manner, however, suggested he has been instructed to lower the temperature on this controversy and meet westerners part way. We would not be surprised to see the government ratchet down the hostile rhetoric for a while, not apply any military regulations against reporting in the war zone, and even, perhaps, allow RFI to begin rebroadcasting as long as the RFI office in Kinshasa is willing to urge its journalists exercise more restraint when criticizing Kabila. This story is not over and we will continue with our updates. End comment.

Text of Aide-Memoire

18. (U) Following is unofficial translation from the French of the aide-memoire given Minister Mende by Swedish ambassador Johan Borgstam:

Begin aide-memoire

Swedish Embassy
Kinshasa
European Union Presidency

Aide-Memoire by Chiefs of Diplomatic Missions of the European Union, the United States, Canada and Switzerland in the Democratic Republic of the Congo

We note with deep concern the deterioration of press freedom over recent months in the Democratic Republic of the Congo. These concerns were raised during a lunch with the Minister of Communication and Media on October 20, 2009. The issues are (1) the question of legal authority of journalistic accreditation granted by the Minister of Communication and Media, (2) the increase of threats and attacks on working journalists, and (3) the shutting down of Qand attacks on working journalists, and (3) the shutting down of Radio France International's signal.

- 1. Legal authority of accreditations:

Since the end of August, 2009, the accreditation of international journalists working in the Democratic Republic of the Congo holds those journalists subject to Article 87 of the law 024-2002 of the Military Code of Justice concerning offenses against the armed forces. To us, it appears that nothing justifies such a requirement, which introduces permanent limitations into existing agreements. Nor is there any justification for subjecting journalists, regardless of their nationality, to military courts. Whereas Articles 23 and 24 of the Constitution of the Democratic Republic of the Congo guarantee freedom of expression and free access to information, and international journalists are professionals, already bound by a strict code of ethics, we ask that this measure be withdrawn from the conditions required for

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accreditation.

- 2. Increase in threats and attacks against working journalists

In the past few months, several journalists have been the targets of threats and/or attacks related to the work they perform. While these cases remain relatively rare and isolated, they are increasing at an unacceptable rate and raise our concerns that journalists are not able to cover the news in a thorough fashion. We also note that many threats are being made and pressure exerted against journalists working for Radio Okapi. We condemn this serious attack against freedom of expression.

- 3. Shutting down Radio France International's signal
Despite the announcement of renewed discussions between the Government of the Democratic Republic of the Congo and Radio France International, which has a large audience in this country, we note that four months after being cut, Radio France International's signal has still not been re-established. We ask that the signal of Radio France International be re-established immediately throughout the territory of the Democratic Republic of the Congo.

End aide-memoire

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